IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.80905-M of 2006

DATE OF DECISION:11.1.2007

Darshan Singh .....Petitioner

Versus

State of Punjab & Ors. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Atul Lakhanpal, Advocate
for the petitioner.

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The complainant has filed this petition under Section 439 (2) Cr.P.C. for cancellation of regular bail granted to respondents No.2 and 3, who are brother-in-law and mother-in-law, respectively of the complainant in case FIR No. 170 dated 3.7.2006 under Sections 307/304-B/34 IPC, registered at Police Station Sadar, Jallalabad.

I have heard counsel for the parties and gone through the contents of the FIR.

Both the respondents were arrested on 22.7.2006 and 12.7.2006, respectively, and released on regular by Additional Sessions Judge, Ferozepur vide order dated 4.10.2006 while observing as under:-

> "The persual of the statement of Manpreet Kaur deceased shows that in the first statement dated 18.6.2006, she has not named any accused and has stated that she was caught by fire naturally and none was at fault and none poured kerosene oil upon her. Though the accused are named in the statement of Darshal Singh, father of the deceased but their criminal liability is still to be determined during the trial. Accused Jagroop Kaur is in custody since 12.7.2006 and Baljinder Singh is in custody

since 26.7.2006 i.e. for the last more than two months. The commitment of the challan and conclusion of the trial thereafter may take long time. Therefore, without commenting upon the merits of the main case, both the accused/applicants are admitted to regular bail on furnishing their personal bonds in the sum of Rs. 25000/- with one surety of the same amount to the satisfaction of the Illaqa/Duty Magistrate, Jallalabad."

Counsel for the petitioner does not dispute the factual position that in the statement of Manpreet Kaur recorded on 18.6.2006, she has not named any accused and stated that she was caught by fire naturally and none was at fault.

Counsel for the petitioner states that the alleged crime is henious and the trial Court should not have granted the bail.

After going through the impugned order as well as the contents of the FIR and considering the arguments of learned counsel for the petitioner and without detailed reason as it will prejudice the trial, I do not find any ground to cancel the regular bail granted to respondents No.2 and 3 by the trial Court.

Dismissed.

January 11, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**